

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

2006 SEP 26 PM 3:48
CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

DDB TECHNOLOGIES, L.L.C.,

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PLAINTIFF,

§

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V.

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CAUSE NO. A-04-CA-352-LY

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MLB ADVANCED MEDIA, L.P.,

§

§

DEFENDANT.

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ORDER

Before the Court is the above-styled and numbered cause. On this date, the Court rendered an order granting Defendant's motion to dismiss for lack of subject-matter jurisdiction. The Court hereby disposes of the following pending motions accordingly.

IT IS ORDERED that the Unopposed Request of Plaintiff for Filing Under Seal Its Opposition to MLBAM's Motion to Strike Portions of Perry's Expert Reports and to Limit His Expert Testimony (Doc. #129); the Unopposed Request of Plaintiff for Filing Under Seal Its Motion for Summary Judgment (Doc. #134); Defendant's Unopposed Motion to File Motion and Brief in Support of MLB Advanced Media, L.P.'s Motion for Summary Judgment of Unenforceability for Inequitable Conduct and Request for Oral Argument and Accompanying Declaration and Exhibits Under Seal (Doc. #162); Defendant's Unopposed Motion to File Motion and Brief in Support of MLB Advanced Media, L.P.'s Motion for Summary Judgment of Non-Infringement and Request for Oral Argument and Accompanying Declaration and Exhibits Under Seal (Doc. #164); Defendant's Unopposed Motion to File Motion and Brief in Support of MLB Advanced Media, L.P.'s Motion for Summary Judgment or, in the alternative, for Partial Summary Judgment of Invalidity and Request for Oral Argument and Accompanying Declaration and Exhibits Under Seal (Doc. #166);

Unopposed Request of Plaintiff for Filing Under Seal DDB's Opposition to MLBAM's Motion for Summary Judgment of Non-Infringement (Doc. #183); Unopposed Request of Plaintiff for Filing Under Seal DDB's Opposition to MLBAM's Motion for Inequitable Conduct (Doc. #184); Unopposed Request of Plaintiff for Filing Under Seal DDB's Opposition to MLBAM's Motion for Summary Judgment of Invalidity (Doc. #185); Request of Plaintiff for Filing Under Seal DDB's Motion to Strike Evidence Relied upon by MLBAM in Its Motion for Summary Judgment of Invalidity (Doc. #186); Request of Plaintiff for Filing Under Seal DDB's Reply in Support of Its Motion for Summary Judgment that Claim 1 of United States Patent No. 6,204,862 is Infringed by MLBAM's Gameday (Doc. #194); Defendant's Unopposed Motion to File Replies in Support of the Motions for Noninfringement, Unenforceability, Invalidity, Opposition to DDB's Motion to Strike, and Motion to Strike Perry's Declaration and Accompanying Declarations and Exhibits Under Seal (Doc. #197); Unopposed Motion of Defendant MLB Advanced Media, L.P. for Filing Under Seal Its Reply Brief In Support of MLBAM's Motion to Strike January 27, 2006 Declarations of Dewayne E. Perry Improperly Filed in Support of DDB's Opposition to MLBAM's Motions for Summary Judgment of Invalidity and Non-Infringement (Doc. #207); and Defendant's Motion for Leave to File Response Letter to DDB's April 5, 2006 Letter to the Court and Unopposed Motion to Maintain Response Letter Under Seal (Doc. #211) are **GRANTED**.

IT IS FURTHER ORDERED that Defendant's Unopposed Motion to File Motion and Brief in Support of MLB Advanced Media, L.P.'s Motion for Summary Judgment of Non-Infringement and Accompanying Declaration and Exhibits Under Seal (Doc. #137); Defendant's Unopposed Motion to File Motion and Brief in Support of MLB Advanced Media, L.P.'s Motion for Summary Judgment of Unenforceability for Inequitable Conduct and Accompanying Declaration and Exhibits

Under Seal (Doc. #140); and Defendant's Unopposed Motion to File Motion and Brief in Support of MLB Advanced Media, L.P.'s Motion for Summary Judgment or, in the alternative, for Partial Summary Judgment of Invalidity and Accompanying Declaration and Exhibits Under Seal (Doc. #143) are **GRANTED** only to allow the referenced motions to be maintained under seal in the Court's record.

IT IS FURTHER ORDERED that DDB's Motion for Leave to Exceed Page Limitations in Local Rule CV-7(e) (Doc. #204) is **GRANTED**.

IT IS FURTHER ORDERED that MLBAM's Motion to Dismiss the '479 Patent and Claims 17-19 of the '630 Patent (Doc. #95) is **DISMISSED**.

IT IS FURTHER ORDERED that MLB Advanced Media L.P.'s Memorandum in Support of Its Objections to Plaintiff's Expert Dr. DeWayne E. Perry and Incorporated Motion to Strike Portions of Perry's Expert Reports and to Limit His Expert Testimony (Doc. #120) is **DISMISSED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment that Claim 1 of United States Patent No. 6,204,862 is Infringed by MLBAM's Gameday (Doc. #135) is **DISMISSED**.

IT IS FURTHER ORDERED that Defendant's Motion and Brief in Support of MLB Advanced Media, L.P.'s Motion for Summary Judgment of Unenforceability for Inequitable Conduct and Request for Oral Argument (Doc. #163); Motion and Brief in Support of MLB Advanced Media, L.P.'s Motion for Summary Judgment of Non-Infringement and Request for Oral Argument (Doc. #165); and Motion and Brief in Support of MLB Advanced Media, L.P.'s Motion for Summary Judgment or, in the alternative, for Partial Summary Judgment of Invalidity and Request for Oral Argument (Doc. #167) are **DISMISSED**.

IT IS FURTHER ORDERED that DDB's Motion to Strike MLBAM's Renewed Motion for Summary Judgment of Invalidity for Failing to Comply with This's Court's December 27, 2005 Order Limiting MLBAM's Renewed Motion to Fifteen Pages (Doc. #172) is **DISMISSED**.

IT IS FURTHER ORDERED that the Motion of MLB Advanced Media, L.P., for Immediate Compliance by DDB Technologies, L.L.C. with the Court's December 27, 2005 Order and for Sanctions (Doc. #173) is **DISMISSED**.

IT IS FURTHER ORDERED that DDB's Motion to Strike Evidence Relied upon by MLBAM in Its Motion for Summary Judgment of Invalidity (Doc. #189) is **DISMISSED**.

IT IS FINALLY ORDERED that MLBAM's Motion to Strike January 27, 2006 Declarations of Dewayne E. Perry Improperly Filed in Support of DDB's Opposition to MLBAM's Motions for Summary Judgment of Invalidity and Non-Infringement (Doc. #201) is **DISMISSED**.

SIGNED this 26th day of September, 2006.


LEE YEAKEL
UNITED STATES DISTRICT JUDGE